

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DIVISION OF MISSISSIPPI
EASTERN DIVISION

MARGARET STARR

PLAINTIFF

V.

CIVIL ACTION NO.: 2:20-CV-113-TBM-MTP

MARION COUNTY; BERKLEY HALL,
in his official capacity as Sheriff of Marion
County; MATT BROWN, in his individual
capacity and official capacity as a Marion
County Sheriff Deputy; JOHN DOE OFFICERS
1-10, in their individual capacity and official
capacity as a Marion County Sheriff Deputies

DEFENDANTS

UNOPPOSED MOTION FOR CONTINUANCE
OF CASE MANAGEMENT DEADLINES

Come now, Defendants Marion County, Mississippi, Sheriff Berkley Hall, and Matt Brown, by and through counsel, and pursuant to Rule 6 of the Federal Rules of Civil Procedure, respectfully submit their Unopposed Motion for Continuance of Case Management Deadlines, as follows:

1. Plaintiff filed suit against Defendants Marion County, Sheriff Berkley Hall, and Matt Brown (hereinafter "the County Defendants") on May 11, 2020, in the Circuit Court of Marion County. *CM/ECF Doc. No. 1-1*. On June 23, 2020, Defendants removed the cause of action to this Court. *CM/ECF Doc. No. 1*. In her Complaint, Plaintiff asserts claims for alleged false imprisonment and excessive force by Marion County Deputy Matt Brown.

2. This Court entered an Order on April 5, 2021, wherein, May 7, 2021, was set as the discovery deadline—with a dispositive motion deadline of May 21, 2021.

CM/ECF Doc. No. 18. At that time, the Court advised the parties that no further continuances might be granted to the parties without continuing the current trial setting.

3. Despite best efforts and ongoing discussions between the respective counsel of record, the parties have not been able to conduct depositions in this cause due to scheduling conflicts.

4. As a result of the foregoing, and in light of the approaching November 2021 trial setting more time is needed to complete discovery, prepare for trial and engage in settlement negotiations. For all the reasons set forth above, the parties are requesting a continuation of the trial setting in this cause.

5. This Motion is not being filed for purposes of harassment or delay, but, rather, to allow for the parties to have the benefit to fully conduct discovery and prepare for trial. Defendants' defenses would be gravely prejudiced should the instant motion be denied and they be denied opportunity to depose Plaintiff and the eyewitnesses at the scene of her arrest.

6. Given the straightforward nature of this Motion, the moving defendants respectfully request that they be relieved of any requirement to submit a supporting memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, the moving defendants request that that this Court continue the current case management deadlines, including the discovery and motion deadlines and corresponding trial setting.

Date: May 21, 2021

Respectfully submitted,

**MARION COUNTY, SHERIFF
BERKLEY HALL, AND DEPUTY
MATT BROWN**

BY: /s/ Jessica S. Malone
One of Their Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, of Allen, Allen, Breeland & Allen, PLLC, one of the attorneys for Marion County, Sheriff Berkley Hall, and Matt Brown, hereby certify that on this day, I electronically filed the foregoing Motion with the Clerk of Court using the ECF system with gave notification of the same to:

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Attorney for Plaintiff

This the 21st day of May, 2021.

/s/ Jessica S. Malone
OF COUNSEL